#2017-50
Culver's SUP & Variations
Project Review for Planning and Zoning Commission

Meeting Date: January 17, 2018

Request:
1. Special Use Permit to allow an Electronic Message Center.
2. Variations from Article 2-400C to allow an EMC sign on a zoning lot that does not meet the minimum lot area and that is not located on Route 14 or Route 31.

Location: 400 Pingree Road

Existing Zoning: B-2 General Commercial

Surrounding Properties:
North: B-2 PUD General Commercial
South: B-2 General Commercial
East: B-2 PUD General Commercial
West: M Manufacturing

Staff Contact: Kathryn Cowlin (815.356.3798)

Background:

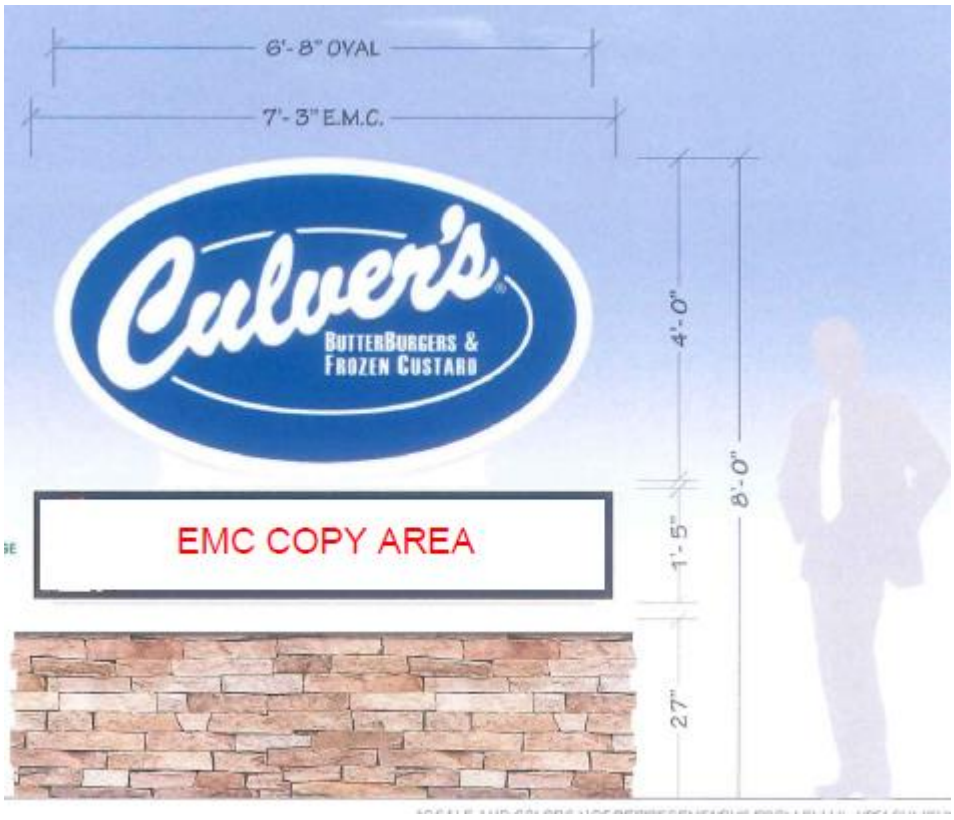
- The petitioner received zoning approvals in December 2017 to construct a new Culver's at the subject property. The zoning approval included a freestanding sign with manual changeable copy.
- The petitioner is requesting a Special Use Permit and variations to allow for an EMC sign instead of the manual changeable copy.
- UDO Requirements: EMC signs require a Special Use Permit when the specific criteria cannot be met and variations from those criteria.

Development Analysis:

General

- Request: The petitioner is requesting a Special Use Permit for an EMC sign and variations to allow the sign to be located on a zoning lot that is not two acres in size and is not located on Routes 14 or 31.
- Land Use: The land use map shows the area as Commerce. This land use designation is appropriate for this use.
- Zoning: The site is zoned B-2 General Commercial.

- The EMC sign would replace the area previously approved for changeable copy on the freestanding sign.
- The EMC sign would require a variation from the following criteria:
    - The zoning lot must front Route 14 or Route 31 (The subject property is located on Pingree Rd).
    - The zoning lot must be a minimum of two acres in size (The subject property is 1.64 acres).



Comprehensive Land Use Plan 2030 Vision Summary Review:

The Comprehensive Plan designates the subject property as Commerce, which allows for existing and future commercial uses. The following goal is applicable to this request:

Land Use - Commerce

Goal: Maintain a dynamic and sustainable base of commercial uses that provides a solid tax base, goods, services and jobs to the city, as well as, the surrounding region through coordination in the Unified Development Ordinance, Comprehensive Land Use Plan and Economic Development Strategic Plan.

This can be accomplished with the following supporting action:

Supporting Action: Promote, retain and attract businesses that provide a diverse tax base.

Findings of Fact:

The petitioner has requested a Special Use Permit to allow an EMC sign at the subject property. Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 B of the Unified Development Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. The use is necessary or desirable, at the proposed location, to provide a service or facility which will further the public convenience and general welfare.

   ☐ *Meets* ☐ *Does not meet*

2. The use will not be detrimental to area property values.

   ☐ *Meets* ☐ *Does not meet*

3. The use will comply with the zoning districts regulations.

   ☐ *Meets* ☐ *Does not meet*

4. The use will not negatively impact traffic circulation.

   ☐ *Meets* ☐ *Does not meet*

5. The use will not negatively impact public utilities or municipal service delivery systems. If required, the use will contribute financially to the upgrading of public utilities and municipal service delivery systems.

   ☐ *Meets* ☐ *Does not meet*

6. The use will not negatively impact the environment or be unsightly.

   ☐ *Meets* ☐ *Does not meet*

7. The use, where possible will preserve existing mature vegetation, and provide landscaping and architecture, which is aesthetically pleasing, compatible or complementary to surrounding properties and acceptable by community standards.

   ☐ *Meets* ☐ *Does not meet*

8. The use will meet requirements of all regulating governmental agencies.

   ☐ *Meets* ☐ *Does not meet*

9. The use will conform to any conditions approved as part of the issued Special Use Permit.

   ☐ *Meets* ☐ *Does not meet*

10. The use will conform to the regulations established for specific special uses, where applicable.

☐ *Meets* ☐ *Does not meet*

All electronic message center (EMC) signs, except gasoline electronic pricing signs, must comply with the following standards:

a. Number permitted: One EMC Sign may be incorporated into any freestanding business sign on a property, provided that such freestanding sign would otherwise be permitted within the underlying Zoning District and subject to the following restrictions:

(i) Minimum width: The zoning lot upon which an EMC may be permitted must have a minimum of 200 contiguous lineal feet of frontage that must be located on Route 14 or Route 31.

☐ *Meets* ☐ *Does not meet*
(Located on Pingree Road)

(ii) Minimum area: The zoning lot upon which an EMC may be permitted must have a minimum of two acres of total lot area.

☐ *Meets* ☐ *Does not meet*
(Subject property is 1.64 acres)

(iii) Maximum gross surface area: The maximum gross surface area of the EMC portion of any sign shall not exceed 32 square feet or 40% of the sign's total area; whichever is smaller. The EMC portion must occupy the bottom half of the sign. The maximum gross area of any sign within which an EMC sign is incorporated shall comply with the requirements for maximum gross surface area based on the underlying Zoning District and shall include the surface area of the EMC. The sign must be outside of the required setback and located on the middle third of the property.

☐ *Meets* ☐ *Does not meet*

(iv) Maximum height: The EMC sign, including any sign in which the EMC is incorporated, shall comply with the maximum height permitted for any sign based on the underlying Zoning District to which the property is located.

☐ *Meets* ☐ *Does not meet*

(v) Preexisting nonconforming signs: An EMC sign cannot be incorporated into a preexisting nonconforming sign.

☐ *Meets* ☐ *Does not meet*

(vi) Minimum design standards: The EMC sign shall meet all the following design conditions:

I. The EMC unit must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day. Such programming and mechanical equipment shall be set so that the EMC, at night or in overcast conditions, will be no more than 40% of the daytime brightness level;

☐ *Meets* ☐ *Does not meet*

II. All EMCs located on properties adjacent to residential uses must be extinguished from 11:00 p.m. until 7:00 a.m. This restriction shall apply regardless of the location of the EMC on the property;

☐ *Meets* ☐ *Does not meet*

III. The message area of an EMC can be illuminated by white or amber incandescent lamps, LED (light-emitting diode) or magnetic discs;

☐ *Meets* ☐ *Does not meet*

IV. The EMC unit must have the "flash" feature disabled and messages shall have a five-minute "hold" time except for time and temperature messaging which may have a shorter duration, but no less than one minute or separate the sign into two areas - one for the message and the other for the time and temperature;

☐ *Meets* ☐ *Does not meet*

V. The messages displayed on the EMC may only transition from one message to another by either fading or dissolving to black with another message appearing immediately thereafter, without movement or other transition effects between messages;

☐ *Meets* ☐ *Does not meet*

VI. Except as otherwise provided herein, all messages displayed on the EMC must be static and may not reflect movement, flashing, scrolling or changes in shape or size of messages or portions of messages. Streaming and/or live-time video may not be displayed and this function of the EMC must be disabled;

☐ *Meets* ☐ *Does not meet*

VII. The EMC unit must be equipped to override commercial messages for emergency situations such as an "Amber Alert" or other such acute public emergencies, but such override authority for public emergencies shall not exceed 48 total hours within any two week period. The owner of the EMC unit is requested to cooperate with the City of Crystal Lake in order to allow the City to exercise its override authority; and

☐ *Meets* ☐ *Does not meet*

VIII. The EMC sign must be set in a manner that the display will turn dark in case of a malfunction.

☐ *Meets* ☐ *Does not meet*

(vii) A freestanding sign may have not more than two sign faces. Freestanding signs with more than one sign face must be designed to have the sign faces attached back to back to the support structure. No V-shaped freestanding EMC signs shall be permitted.

☐ *Meets* ☐ *Does not meet*

(viii) The EMC unit shall otherwise comply with all other provisions of Section 4-1000 of the Crystal Lake Unified Development Ordinance ("Signs"), including, but not limited to, the prohibition of Off-Premise Signs.

☐ *Meets* ☐ *Does not meet*

The sign plan submitted meets all of the EMC sign criteria, except the two which require the zoning variation.

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from the specific criteria for EMC signs outlined in Article 2-400 C, specifically the minimum lot size and location of the zoning lot. The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property. To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

Standards

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because:

a. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.

   ☐ *Meets* ☐ *Does not meet*

b. Also, that the variation, if granted, will not alter the essential character of the locality.

   ☐ *Meets* ☐ *Does not meet*

For the purposes of supplementing the above standards, the Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

a. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;

☐ *Meets* ☐ *Does not meet*

b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;

☐ *Meets* ☐ *Does not meet*

c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

☐ *Meets* ☐ *Does not meet*

d. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.

☐ *Meets* ☐ *Does not meet*

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

Recommended Conditions:

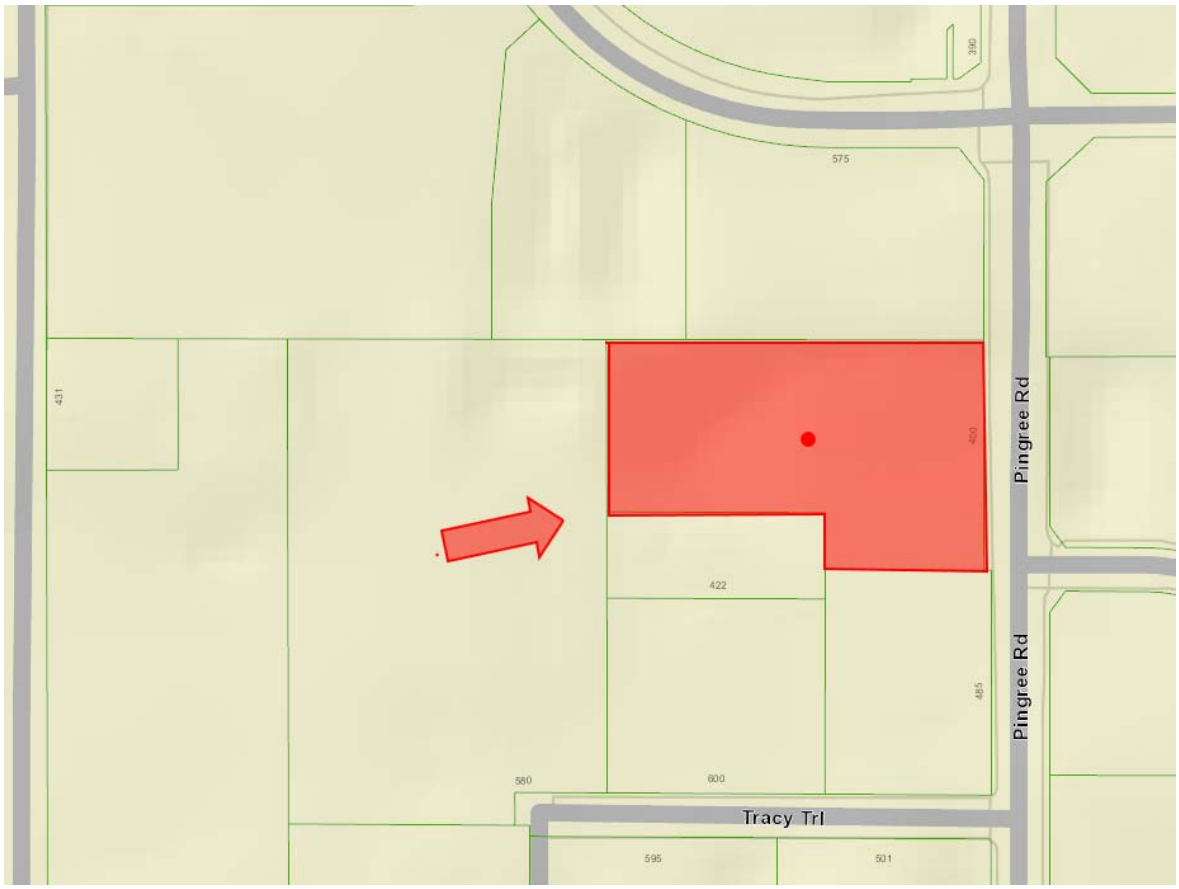
If a motion to recommend approval of the petitioner's request is made, it should be with the following conditions:

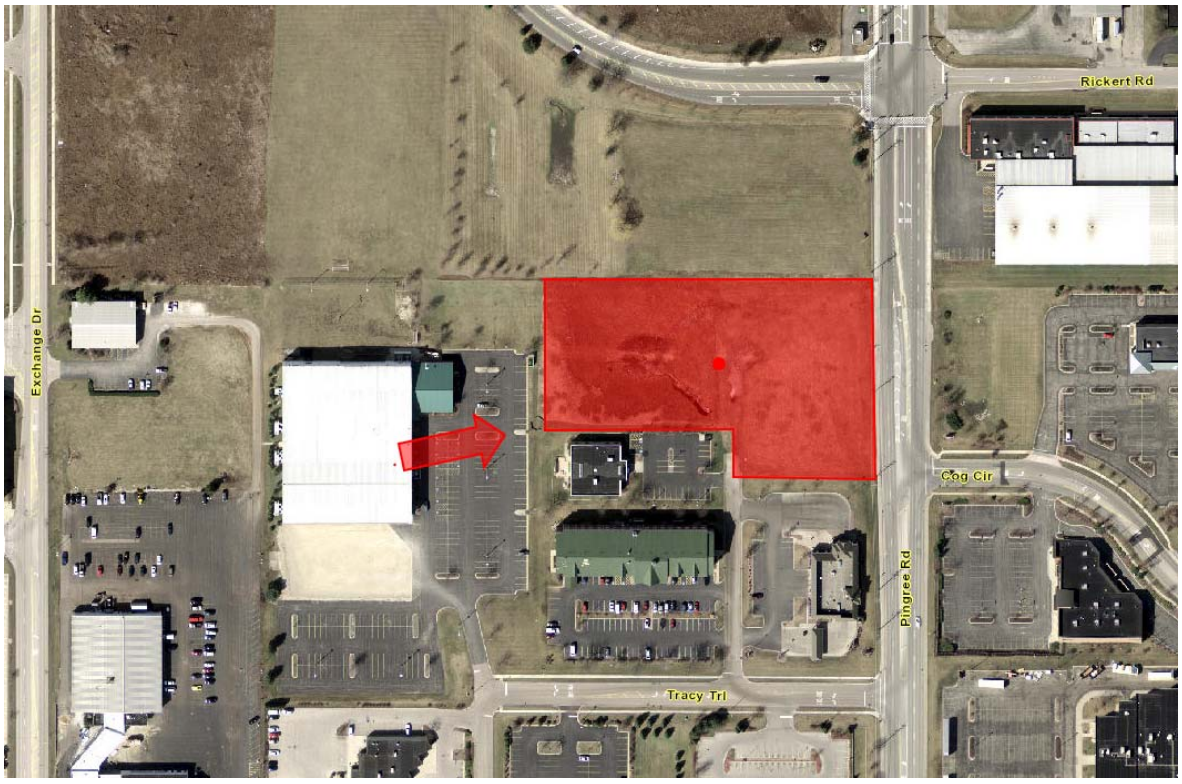
1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Application (DiVerde, dated 10/31/17, received 11/01/17)
   B. Sign Package (Springfield Sign, dated 10/27/17, received 11/01/17, revised 01/10/18)

2. Except for the variations for lot area and lot location, the EMC must meet all other EMC standards provided for in the UDO.

3. The petitioner shall address all of the review comments and requirements of the Community Development Department.

2017-50 Culver's – 400 Pingree Road – Special Use Permit, Variation (EMC Sign)





Received 12-19-17
2017-50

City of Crystal Lake
Development Application

Office Use Only
File # _____

Project Title: _____

Action Requested

__	Annexation	__	Preliminary PUD
__	Comprehensive Plan Amendment	X	Preliminary Plat of Subdivision
__	Conceptual PUD Review	__	Rezoning
__	Final PUD	X	Special Use Permit
__	Final PUD Amendment	__	Variation
X	Final Plat of Subdivision	__	Other

Petitioner Information

Name: DM Crystal Lake, Inc

Address: 1750 East Golf Rd. Suite 320

Schaumburg, IL 60173

Phone: 847-322-2714

Fax: _____

E-mail: JIMDIV@SBCGLOBAL.NET

Owner Information (if different)

Name: _____

Address: _____

_____

Phone: _____

Fax: _____

E-mail: _____

Property Information

Project Description: _____

Construct a new Culver's Restaurant

_____

_____

_____

Project Address/Location: _____

_____

_____

PIN Number(s): _____

Development Team

Please include address, phone, fax and e-mail

Developer: DM Crystal Lake, Inc.

Architect: Ollmann Ernest Martin Architects

Attorney:

Engineer: Cage Civil Engineering

Landscape Architect: Cage Civil Engineering

Planner:

Surveyor:

Other:

Signatures

Jim DiVerde 10/27/17

PETITIONER: Print and Sign name (*if different from owner*) **Date**

As owner of the property in question, I hereby authorize the seeking of the above requested action.

OWNER: Print and Sign name **Date**

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

Development Team

Please include address, phone, fax and e-mail

Developer: DM Crystal Lake, Inc.

Architect: Ollmann Ernest Martin Architects

Attorney:

Engineer: Cage Civil Engineering

Landscape Architect: Cage Civil Engineering

Planner:

Surveyor:

Other:

Signatures

JIM DIVERDE — 10/27/17

PETITIONER: Print and Sign name (*if different from owner*) **Date**

As owner of the property in question, I hereby authorize the seeking of the above requested action.

10/31/17

OWNER: Print and Sign name **Date**

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

PUBLIC NOTICE

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF Culvers

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission on the application by Jim DiVerde, on behalf of Culver's, seeking a Special Use Permit with Variations for 400 Pingree Road, Crystal Lake, Illinois. PIN: 19-04-476-017.

This application is filed for the purpose of seeking a Special Use Permit to allow an EMC sign with Variations from the SUP criteria for location and definitions for to allow images pursuant to Article 2, Article 4, Article 9 and Article 10, as well as any other variations as necessary to approve the project as presented. Plans for this project can be viewed at the Crystal Lake Community Development Department at City Hall.

A public hearing before the Planning and Zoning Commission on this request will be held at 7:30 p.m. on Wednesday, January 17, 2018, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald on January 2, 2018) 1493836

ME-27-C CUSTOM MONUMENT WITH EMC-OPT 1

CRYSTAL LAKE, IL

ME-27-L-XXxXXX-XX-RGB-PBC-C

CUSTOM

NOT FOR PRELIMINARY CONSTRUCTION

ME-27-C

Culver's sign cabinet of aluminum construction and internally illuminated with LED's

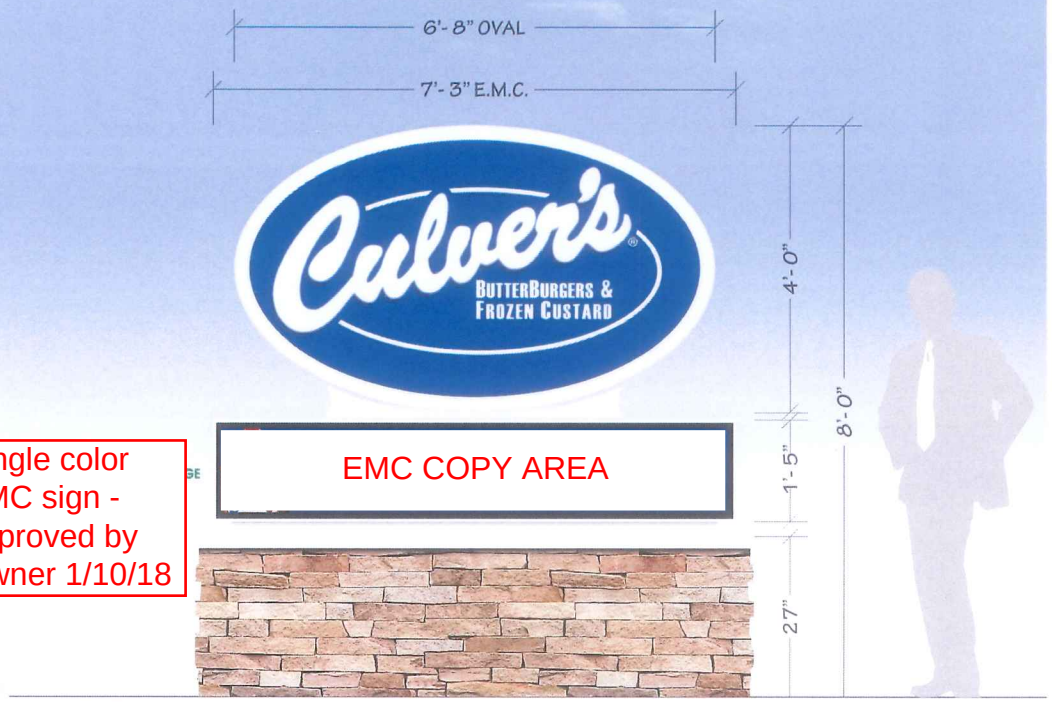
Thermoformed polycarbonate faces, embossed Culver's, 3M[1] HP vinyl decoration

Watchfire[2] XXxXXX full color RGB XXmm Electronic Message Center (EMC) with RF wireless communication

Broadband communication option available

UL marked product

1- 3M is a registered trademark of Minnesota Mining & Manufacturing
1- Watchfire signs by Time-O-Matic Inc.



Single color EMC sign - approved by Owner 1/10/18

SCALE: 3/8" = 1'

*SCALE AND COLORS NOT REPRESENTATIVE FROM EMAIL ATTACHMENTS
*ALL MEASUREMENTS ARE APPROXIMATE

EMC CHART - KNOWN RESTRICTIONS

COLOR: Y N | STATIC: Y ✓ N | VIDEO: Y N X
ANIMATION: Y N X | MOVEMENT: Y N X

HOLD TIME (IF STATIC): 5 MINUTES
TRANSITION TYPE:
DAYTIME BRIGHTNESS:
NIGHTTIME BRIGHTNESS:

ADDITIONAL RESTRICTIONS:

SIGN CODES

NOTES

SQUARE FOOTAGE CALCULATIONS:
OVAL: 4- 0" X 6'- 7" = 20.94 SF (MATHEMATICAL)
EMC: 1'- 5' X 7'- 3" = 10.22 SF
TOTAL: 31.16 SF

SALES PERSON:	DESIGNED BY:	AO:
MARK WESSELL	C WALKER	14825

DATE CREATED / REVISION HISTORY

10/24/17- NEW

FILE PATH: T:\Culvers\Crsytal Lake, IL\

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This is an artistic rendition and final colors / sizes may vary from that depicted herein.

Received 12-19-17
2017-50

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